

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.246 of 2020

J.Viji

...Petitioner
/Wife of the Detenu

Vs

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Villupuram District,
Villupuram.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records of the 2nd respondent in his proceedings RC.No.C2/34561/2019, dated 28.12.2019, by the District Collector and District Magistrate Villupuram District, Villupuram directing the respondents herein, to produce the detenu, Dhigil @ Jagadeesan aged 36years, husband of the petitioner who is detained under Act 14/1982, who is now confined in the Central Prison, Cuddalore, before this Court and set aside the same and set him at liberty forthwith.

For Petitioner : Mr.A.N.Rajan.

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor.

WEB COPY
O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in RC.No.C2/34561/2019 dated 28.12.2019 by the Second Respondent

based on the ground case registered against him.

3.Heard Mr.A.N.Rajan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that similar case referred in the grounds of detention by the detaining authority, is not similar in nature and hence, there is non-application of mind on the part of the detaining authority while passing the detention order and the same vitiates the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in RC.No.C2/34561/2019 dated 28.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Dhigil @ Jagadeesan aged 36 years, who is confined at Central Prison, Cuddalore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Villupuram District,
Villupuram.
- 3.The Superintendent of Prison,
Central Prison,
Cuddalore.
- 4.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai - 9.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.246 of 2020

VG II (CO)
KKV/05/08/2020



WEB COPY